

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:)
)
SIMPLY ESSENTIALS, LLC,) Case No. 20-00305
)
Alleged Debtor.)
) Involuntary Chapter 7
)
)

**SECOND INTERIM ORDER RE: MOTION TO STAY ALL
ACTIONS IN CALIFORNIA VOLUNTARY BANKRUPTCY
OF SIMPLY ESSENTIALS, LLC (Doc. 35)**

On September 9, 2020 at 11:00 a.m. this Court heard conducted a second hearing on the Motion to Stay All Actions in California Voluntary Bankruptcy of Simply Essentials, LLC. The following parties were on the telephone call:

Counsel	Party Represented
Joseph A. Peiffer	Initial Petitioning Creditors
Todd Ohlms	ARKK, Joining Petitioning Creditor
Elizabeth Janczak	ARKK, Joining Petitioning Creditor
Terry Gibson	Simply Essentials, LLC, Alleged Debtor
Riley Walter	Simply Essentials, LLC, Alleged Debtor
Ashley Zubal	Office of the United States Trustee

The Court listened as a stipulated settlement of the various pending motions in this case was read into the record. Counsel on the call have agreed to enter a formal written stipulation setting forth the settlement made between the parties with that stipulated order to be submitted to the Court early next week.

Having heard the stipulated settlement entered on the record at the hearing, the Court finds that it is appropriate to extend the Stay of All Actions in the California Voluntary Bankruptcy entered herein on August 27, 2020 (Doc. 48) through Friday, September 18, 2020, with the exception of allowing Simply Essentials to file a Motion to Transfer Venue of the Chapter 11 bankruptcy of Simply Essentials, LLC, pending in the Eastern District of California, Fresno Division Case No. 20-12633 to this Court if it chooses to do so no later than Friday, September 18, 2020, or the filing of a Motion to Dismiss the California Chapter 11 case at any time, and the Petitioning Creditors have agreed not to resist either Motion that may be filed by Simply Essentials, LLC, in the California Chapter 11 case.

In addition to the stipulations stated on the record, while the order to stay entered on August 27, 2020 is extended through September 18, 2020, the Office of the United States Trustee will agree to continue the Initial Debtor Interview currently scheduled for September 11, 2020. The Office of the United States Trustee will convene the first meeting of creditors currently scheduled for Monday, September 14, 2020, and will immediately adjourn the meeting to a date to be determined if necessary. The Office of the United States Trustee agrees that no party is expected to appear at the September 11, 2020 Initial Debtor Interview

or the September 14, 2020 meeting of creditors.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that proceedings in the California voluntary Chapter 11 bankruptcy case of Simply Essentials, LLC pending in the United States Bankruptcy Court for the Eastern District of California, Fresno Division, Case No. 20-12633, including the Initial Debtor Interview and the § 341 Meeting of Creditors are hereby stayed through Friday, September 18, 2020, with limited exceptions enumerated in the following two paragraphs.

IT IS FURTHER ORDERED THAT Simply Essentials may only file the following motions in the California case: Motion to Transfer Venue to the United States Bankruptcy Court for the Northern District of Iowa; or, a Motion to Dismiss, with the deadline for filing both motions being set for Friday, September 18, 2020.

IT IS FURTHER ORDERED THAT this stay of actions in the California Case shall not preclude the judge in the California Case from entering an order granting either motion referred to in the preceding paragraph.

IT IS FURTHER ORDERED THAT the Initial Petitioning Creditors shall serve this Order by first class mail to all creditors and parties in interest listed on the matrix filed in the California case by Monday, September 14, 2020.

Dated and Entered: September 10, 2020



United States Bankruptcy Judge
For the Northern District of Iowa

Order Prepared by:
Joseph A. Peiffer AT0006160
Ag & Business Legal Strategies
Attorney for Initial Petitioning Creditors

Approved as to form and substance:

/s/ Elizabeth Janczak
Elizabeth Janczak
Attorney for Joining Petitioning Creditor ARKK

/s/ Ashley Zubal
Ashley Zubal
Office of the United States Trustee

/s/ Terry Gibson
Terry Gibson
Attorney for Alleged Debtor, Simply Essentials, LLC